

Message Text

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ORIGIN ARA-01

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FM SECSTATE WASHDC

TO AMEMBASSY MEXICO

UNCLAS STATE 127418

FOLLOWING REPEAT STATE 127418 ACTION INS LOS ANGELES

INS SEATTLE DTD 31 MAY

QTE

UNCLAS STATE 127418

LOS ANGELES FOR MR. JOSEPH SURECK SEATTLE FOR MR. AHERN

E.O. 11652: N/A

TAGS: SREF

SUBJECT: ASYLUM REQUEST - CARLOS SOTO-ESQUIVEL A19 284 789

REFERENCE: TELEGRAM OF APRIL 29 FROM INS SEATTLE

1. WE HAVE GIVEN CAREFUL CONSIDERATION TO THE INFORMATION FURNISHED BY THE SERVICE RELATING TO THE ASYLUM REQUEST OF CARLOS SOTO-ESQUIVEL, A19 284 789, A CITIZEN OF MEXICO. IN ADDITION WE HAVE CONSULTED OUR POSTS ABROAD REGARDING HIS ASYLUM REQUEST. ON THE BASIS OF THE INFORMATION AVAILABLE, WE DO NOT BELIEVE MR. SOTO-ESQUIVEL HAS A VALID CLAIM TO ASYLUM.

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2. MR. SOTO CLAIMS HE IS WANTED FOR QUESTIONING BY THE MEXICAN AUTHORITIES IN CONNECTION WITH AN EVENT WHICH TOOK PLACE IN MEXICO IN JULY OF 1974. YET MR. SOTO WAS IN THE UNITED STATES AT THAT TIME. HOWEVER, HE RETURNED TO

MEXICO VOLUNTARILY FROM THE UNITED STATES IN SEPTEMBER OF 1974 AND AGAIN FROM GUATEMALA IN NOVEMBER OF 1974. AT THE TIME OF HIS ARREST, MR. SOTO WAS AGAIN EN ROUTE TO MEXICO FOLLOWING HIS SECOND VISIT TO THE UNITED STATES. WE FIND THESE FACTS DIFFICULT TO RECONCILE WITH MR. SOTO'S ALLEGATION OF FEAR OF RETURN TO MEXICO.

3. WE BELIEVE IT IS ENTIRELY POSSIBLE THAT THE MEXICAN AUTHORITIES MAY WISH TO QUESTION MR. SOTO UPON HIS RETURN CONCERNING HIS ACTIVITIES WHICH HE HAS DESCRIBED IN HIS SWORN STATEMENT OF MARCH 1975. HOWEVER, WE DO NOT BELIEVE HE HAS REASON TO FEAR PERSECUTION WITHIN THE MEANING OF THE CONVENTION RELATING TO THE STATUS OF REFUGEES UPON HIS RETURN TO MEXICO.

4. ON THE BASIS OF THE INFORMATION THUS FAR SUBMITTED, WE ARE UNABLE TO CONCLUDE THAT MR. SOTO SHOULD BE EXEMPTED FROM REGULAR IMMIGRATION PROCEDURES ON THE GROUNDS THAT HE WOULD SUFFER PERSECUTION ON ACCOUNT OF RACE, RELIGION, NATIONALITY, POLITICAL OPINION, OR MEMBERSHIP IN A PARTICULAR SOCIAL GROUP SHOULD HE RETURN TO MEXICO. SHOULD HE PRESENT ADDITIONAL INFORMATION WHICH TO THE SERVICE SEEMS TO REQUIRE FURTHER REVIEW, WE WILL BE PLEASED TO RECONSIDER THE CASE. INGERSOLL UNQTE
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